

Tentative Rulings for October 14, 2025
Department 502

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)

There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 502

Begin at the next page

(37)

Tentative Ruling

Re: **Jowell Joesph Bardo**
Court Case No. 25CECG04355

Hearing Date: October 14, 2025 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant. The Court intends to sign the proposed order. No appearances necessary.

Pursuant to California Rules of Court, Rule 3.1312 and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK **on** 10/13/25 .
(Judge's initials) (Date)

(37)

Tentative Ruling

Re: ***Aliyah Elizabeth Bardo***
Court Case No. 25CECG04376

Hearing Date: October 14, 2025 (Dept. 502)

Motion: Petition to Compromise Minor's Claim

Tentative Ruling:

To grant. The Court intends to sign the proposed order. No appearances necessary.

Pursuant to California Rules of Court, Rule 3.1312 and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK **on** 10/13/25 .
(Judge's initials) (Date)

(46)

Tentative Ruling

Re: ***I.C. v. Uber Technologies, Inc.***
Superior Court Case No. 24CECG05355

Hearing Date: October 14, 2025 (Dept. 502)

Motion: _____ by Plaintiff for Preferential Trial Date

Tentative Ruling:

To grant. (Code Civ. Proc., § 36 subd. (b).) A trial date shall be set for a date within the next 120 days.

Explanation:

"A civil action to recover damages for wrongful death or personal injury shall be entitled to preference upon the motion of any party to the action who is under 14 years of age unless the court finds that the party does not have a substantial interest in the case as a whole." (Code Civ. Proc., § 36 subd. (b).) Priority under this subdivision is mandatory; the trial court has no discretion to refuse the minor's request for early setting. (*Peters v. Superior Court* (1989) 212 Cal.App.3d 218, 224.)

There is no dispute that plaintiff I.C. ("plaintiff") is a minor party under the age of 14, or that this is a personal injury action. (Rudorfer Decl., ¶¶ 3-4.) Defendants Uber Technologies, Inc.; Rasier, LLC; and Rasier-CA, LLC ("defendants") raise the argument that plaintiff does not have a substantial interest in the case as a whole, but defendants' argument that the plaintiff "may be considered peripheral" is unsupported by facts and authority. Here, plaintiff was directly involved in a vehicle collision, which plaintiff alleges resulted in significant, life-altering personal injuries – including a traumatic brain injury. (See Rudorfer Decl., ¶ 4, Palomino Decl., ¶ 3.) As such, it appears to the court that plaintiff has a substantial interest in this case. Thus, trial preference is mandatory pursuant to Code of Civil Procedure, section 36 subdivision (b). The motion is therefore granted and a trial date shall be set within the next 120 days.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK on 10/13/25
(Judge's initials) (Date)

(36)

Tentative Ruling

Re: **Wild, Carter & Tipton v. Wood**
Superior Court Case No. 24CECG05486

Hearing Date: October 14, 2025 (Dept. 502)

Motion: by Plaintiff for an Order Deeming Requests to Admit Truth of Facts Against Defendant Admitted

Tentative Ruling:

To grant and to award monetary sanctions in the total amount of \$415, payable within 30 days of the date of this order, with the time to run from the service of this minute order by the clerk.

The matters specified in plaintiff's Requests for Admission, Set One, are deemed admitted, unless defendant serves, before the hearing, proposed responses to the requests for admission that are in substantial compliance with Code of Civil Procedure, section 2033.220.

Explanation:

Requests for Admissions:

Failure to timely respond to Requests for Admission results in a waiver of all objections to the requests. (Code Civ. Proc., § 2033.280, subd. (a).) The statutory language leaves no room for discretion. (*Tobin v. Oris* (1992) 3 Cal.App.4th 814, 828.) "The law governing the consequences for failing to respond to requests for admission may be the most unforgiving in civil procedure. There is no relief under section 473. The defaulting party is limited to the remedies available in [Code of Civil Procedure section 2033.280]...." (*Demyer v. Costa Mesa Mobile Home Estates* (1995) 36 Cal.App.4th 393, 394-395, disapproved on other grounds in *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 983, fn. 12.)

But the court may relieve the party who fails to file a timely response if, before entry of the order deeming the requested matters admitted, the party in default (1) moves for relief from waiver and shows that the failure to serve a timely response was due to "mistake, inadvertence or excusable neglect;" and (2) serves a response in "substantial compliance" with Code of Civil Procedure section 2033.220 (Code Civ. Proc., § 2033.280(a)-(c); See *Brigante v. Huang* (1993) 20 Cal.App.4th 1569, 1584.) "If the party manages to serve its responses before the hearing, the court has no discretion but to deny the motion . . . Everything, in short, depends on submitting responses prior to the hearing." (*Demyer v. Costa Mesa Mobile Homes Estates* (1995) 36 Cal. App. 4th 393, 395-396.)

Since defendant failed to comply with responding to the Requests for Admission, and there is no evidence that he has either requested relief from his failure to respond or submitted responses, this motion is granted.

Monetary Sanctions:

Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust." (Code Civ. Proc., § 2033.280, subd. (c).) No opposition was filed, so no facts were presented to warrant finding sanctions unjust. The court finds it reasonable to allow one hour for the preparation of these simple discovery moving papers at the hourly rate of \$355, provided by counsel, and \$60 in motion fees. Therefore, the total amount of sanctions awarded is \$415.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK on 10/13/25
(Judge's initials) (Date)

(35)

Tentative Ruling

Re: ***Garcia v. Singh et al.***
Superior Court Case No. 25CECG00469

Hearing Date: October 14, 2025 (Dept. 502)

Motions:

- (1) By Plaintiff Kristy Lee Garcia for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One From Defendant Jaswinder Singh, and Request for Sanctions;
- (2) By Plaintiff Kristy Lee Garcia for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One From Defendant MLT Trans, Inc., and Request for Sanctions;
- (3) By Plaintiff Kristy Lee Garcia for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One From Defendant Uppal Enterprises, and Request for Sanctions;
- (4) By Plaintiff Kristy Lee Garcia for an Order to Deem Requests for Admissions, Set One as Admitted by Defendant Jaswinder Singh, and Request for Sanctions;
- (5) By Plaintiff Kristy Lee Garcia for an Order to Deem Requests for Admissions, Set One as Admitted by Defendant MLT Trans, Inc., and Request for Sanctions;
- (6) By Plaintiff Kristy Lee Garcia for an Order to Deem Requests for Admissions, Set One as Admitted by Defendant Uppal Enterprises, and Request for Sanctions

Tentative Ruling:

To grant each of the motions to compel initial responses to form and special interrogatories, and request for production of documents.

Within ten (10) days of service of the order by the clerk, defendant Jaswinder Singh shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Demand for Inspection, Set One, and produce all documents responsive to the Demand for Inspection.

Within ten (10) days of service of the order by the clerk, defendant MLT Trans, Inc. shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Demand for Inspection, Set One, and produce all documents responsive to the Demand for Inspection.

Within ten (10) days of service of the order by the clerk, defendant Uppal Enterprises shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Demand for Inspection, Set One, and produce all documents responsive to the Demand for Inspection.

To grant the motion seeking an order deeming the truth of matters specified in the Requests for Admission, Set One established pursuant to Code of Civil Procedure section 2033.280, subdivision (b) against defendant Jaswinder Singh **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

To grant the motion seeking an order deeming the truth of matters specified in the Requests for Admission, Set One established pursuant to Code of Civil Procedure section 2033.280, subdivision (b) against defendant MLT Trans, Inc. **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

To grant the motion seeking an order deeming the truth of matters specified in the Requests for Admission, Set One established pursuant to Code of Civil Procedure section 2033.280, subdivision (b) against defendant Uppal Enterprises **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

To impose monetary sanctions in the total amount of \$900 against defendant Jaswinder Singh, in favor of plaintiff Kristy Lee Garcia. Within thirty (30) days of service of the order by the clerk, defendant Jaswinder Singh shall pay sanctions to plaintiff Kristy Lee Garcia's counsel.

To impose monetary sanctions in the total amount of \$900 against defendant MLT Trans, Inc., in favor of plaintiff Kristy Lee Garcia. Within thirty (30) days of service of the order by the clerk, defendant MLT Trans, Inc. shall pay sanctions to plaintiff Kristy Lee Garcia's counsel.

To impose monetary sanctions in the total amount of \$900 against defendant Uppal Enterprises, in favor of plaintiff Kristy Lee Garcia. Within thirty (30) days of service of the order by the clerk, defendant Uppal Enterprises shall pay sanctions to plaintiff Kristy Lee Garcia's counsel.

Explanation:

On May 22, 2025, plaintiff Kristy Lee Garcia ("Plaintiff") served the discovery at issue on each of defendants Jaswinder Singh, MLT Trans, Inc., and Uppal Enterprises (together "Defendants"). (E.g., Wise Decl., ¶ 4.) As of the filing of the motions to compel, though responses were served, the responses were unverified. (E.g., *id.*, ¶ 5.) Unsworn discovery responses are tantamount to serving no responses at all. (*Appleton v. Superior Court* (1988) 206 Cal.App.3d 632, 636.)

Defendants oppose. Defendants submit that Plaintiff did not meet and confer in good faith. Though Defendants complain that Plaintiff was not sufficiently specific in her objections to the responses, this belies the uncontested fact that the responses served

were unverified, akin to no response at all. Where a party fails to serve a timely response, there is no obligation to meet and confer. (See e.g., Code Civ. Proc., § 2030.290 [regarding compelling responses to interrogatories where no responses are timely served]; *compare id.*, § 2030.300, subd. (b)(1) [requiring meet-and-confer efforts to compel further responses to incomplete responses].)

Defendants further submit that the scope of the discovery propounded is inappropriate. Defendants rely on their lodging of objections through unverified responses. To the extent that Defendants felt the discovery was inappropriate, Defendants were free to seek a protective order. (E.g., Code Civ. Proc., § 2030.090.) Instead, Defendants served unverified responses.

Defendants suggest, through counsel's declaration, that service of summons was defective. However, the court notes that on May 29, 2025, Defendants filed an Answer, constituting a general appearance. (Code Civ. Proc., § 410.50, subd. (a).)

Initial Responses to Interrogatories and Inspection Demand

Within 30 days of service of interrogatories, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2030.260.) Within 30 days of service of a demand for inspection, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2031.260.) To date, Plaintiff has received no response to interrogatories and demands for inspection. Accordingly, an order compelling Defendants to provide initial, verified responses is warranted. (Code Civ. Proc. § 2030.290, subd. (b), 2031.300 subd. (b).) All objections are waived. (*Id.*, §§ 2030.290, subd. (a), 2031.300, subd. (a).)

Deemed Admissions

On May 22, 2025, Plaintiff filed and served a motion seeking an order that the truth of any matter specified in the requests be deemed admitted pursuant to Code of Civil Procedure section 2033.280, subdivision (b). No verified responses have been served since the filing of the motion.

The motion seeking an order deeming the truth of matters specified in Requests for Admissions, Set One deemed established, will be granted pursuant to Code of Civil Procedure section 2033.280, subdivision (b) **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

Sanctions

Sanctions are mandatory unless the court finds that the party acted "with substantial justification" or other circumstances that would render sanctions "unjust." (*Id.*, §§ 2030.290, subd. (c), 2031.300, subd. (c), 2033.280, subd. (c).) Though the opposition suggests otherwise, the court finds no circumstances that would render the mandatory sanctions unjust. Defendants did not challenge service of summons and, in any event, have appeared in the action. Accordingly, Plaintiff was entitled to propound the discovery at issue. (Code Civ. Proc., § 2030.020, subd. (b); 2031.020, subd. (b); 2033.020,

Counsel suggests that, for each of the 12 identical motions, 2.5 hours were spent on drafting, 2 hours were spent on preparation of a reply brief, and 2 hours will be spent on preparation for oral argument, a total recompense of 78 hours, and a total fee request, at \$750 per hour, of \$58,500. The reasonable hourly rate is that prevailing in the community for similar work. (*PCLM Group v. Drexler* (2000) 22 Cal.4th 1085, 1095.) The court finds counsel's rate of \$750 per hour as high when compared to the prevailing rates in the community for similar work. Counsel for Plaintiff submits no background or experience to support such a rate, except as to say that counsel is the managing partner of Morgan & Morgan's California offices. (E.g., Wise Decl., ¶ 12.) The court sets the hourly rate at \$450. The court approves 6 hours, reflective of time spent against the sum of the three Defendants, inclusive of preparation of the reply brief thereon. Accordingly, monetary sanctions are imposed in the amount of \$900 against each of defendants Jaswinder Singh, MLT Trans, Inc., and Uppal Enterprises.

Tentative Ruling

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Tentative Ruling

Re: **Guadalupe Villagomez v. Leonel Villogomez / LEAD CASE**
Superior Court Case No. 22CECG00485

Hearing Date: October 14, 2025 (Dept. 502)

Motions: By Plaintiff Guadalupe Villagomez to Compel Compliance with Deposition Subpoena for Production of Business Records on Pacific Farm Management Inc. and Monetary Sanctions.

Tentative Ruling:

To grant. Responsive documents shall be produced within five (5) days from the date of this order.

To impose monetary sanction in the amount of \$1,800, charged to the deponent Pacific Farm Management Inc., payable to counsel for plaintiff within 30 days of the clerk's service of this minute order.

Explanation:

“[D]iscovery from a *nonparty* may be obtained only by ‘deposition subpoena.’” (*Unzipped Apparel, LLC v. Bader* (2007) 156 Cal.App.4th 123, 130; Code Civ. Proc. § 2025.010, subd. (b).) Failure to produce the specified documents is the subject of a motion to compel. (Code Civ. Proc. § 2025.480, subd. (a); see also *Kramer v. Superior Court* (1965) 237 Cal.App.2d 753, 755, fn. 2; see also Code Civ. Proc., § 1987.1, subd. (a) [upon notice, court may make an order directing compliance with the subpoena].)

Plaintiff's motion is supported by evidence of the issued subpoena, its deadline for compliance (July 31, 2025), and the lack of response. (See Cuttone, Decl.) No opposition has been filed. Therefore, the motion is granted. Counsel claims that \$1,800 was incurred in the preparation of the motion, which the court finds reasonable.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: KCK on 10/13/25
(Judge's initials) (Date)